

ROBBINS

LITIGATION AND REGULATORY LAW

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January 8, 2016

The Honorable Charles R. Breyer
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products
Liability Litigation, 15-MD-2672 CRB (JSC)

Dear Judge Breyer,

Pursuant to Pretrial Order No. 2, Lisa L. Heller of Robbins Ross Alloy Belinfante Littlefield, LLP ("Robbins Ross") respectfully submits this application for appointment to the Plaintiffs' Steering Committee ("PSC"). I am lead counsel on behalf of Georgia owners and lessees in *Silverman v. Volkswagen Group of America, et al.*, 1:15-cv-03332-TCB (N.D.Ga).

I hope that my experience defending large nationwide class actions and working on international matters can add a different perspective and insight to the committee that will prove useful. Examples of some of the matters I have been involved in are below.

Walker v. MediaOne Group, Inc. (N.D.Ga.). Nationwide consumer class action alleging misrepresentations relating to cable programming and subscription services. I was significantly involved in all aspects of the litigation, including depositions, motions practice and the appeal. I was primarily responsible for the Settlement Notice and working with the Claims Administrator throughout the Settlement period. The matter was before Judge Willis B. Hunt, Jr., Senior Presiding Judge, United States District Court, Northern District of Georgia, 1967 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309. (404) 215-1228.

Carlson V. C.H. Robinson (D. Minn.) Nationwide gender discrimination class action. Again, I was significantly involved in all aspects of the litigation, including depositions, motions

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practice, class certification arguments, experts' reports/depositions, drafting of the juror questionnaire, mock jury trials and evaluating potential juror responses. I was part of the trial team; however the case settled the day before trial was scheduled to begin. The matter was before Judge Joan Ericksen, United States District Court, District of Minnesota, 300 South Fourth Street, Minneapolis, MN 55415. (612) 664-5890.

Holloway v. Best Buy (N.D. Cal.) Nationwide race discrimination class action. I was significantly involved in all aspects of the litigation from interviewing witnesses through depositions, motions and class certification briefing. I was responsible for the identification, gathering, review, and production of hard copy and electronic documents from offices and stores across the country. This involved working with plaintiffs' counsel to develop an ESI protocol; working with ESI vendors and the client and working with a team of lawyers to review and tag tens of millions of pages of documents and produce over ten million pages of documents. This matter was before Judge Phyllis Hamilton, United States District Court, Northern District of California, 1301 Clay Street, Oakland, CA 94612. (510) 637-1296.

I also have e-discovery experience in cases with an international component. In *CryoLife, Inc. v. Medafor, Inc.* (N.D.Ga.), I was lead counsel in a dispute involving a global distribution agreement. The alleged breaches occurred not only in the United States, but in eight other countries, including Hong Kong, Germany, South Africa and Brazil. In that case, we had to draft an ESI Protocol that anticipated international discovery, including document production from a GmbH in Germany recognizing the unique issues under German law. The parties suggested to the Court that a Special Discovery Master be appointed in the case, since the discovery issues were so complicated and wide-ranging. The matter was before Judge Amy Tottenberg, United States District Court, Northern District of Georgia, 1967 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309. (404)215-1550. It was mediated before Judge Edward Infante (Ret.).

I have also represented German companies and taken part in discovery in Germany. In *Coca-Cola v. Allianz, et. al.*, I represented a consortium of insurers who were sued by Coca-Cola under its employment practices liability policy for claims resulting from the *Abdallah* race

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discrimination class action settlement. I was responsible for all aspects of the case. Because some of the defendants were German companies and some of the witnesses were German, the parties worked cooperatively to make sure the discovery was taken appropriately and properly in accordance with both the Rules of Civil Procedure and German law. The matter was before Judge Thomas W. Thrash, Jr., Chief United States District Judge, Northern District of Georgia, 1967 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309. (404) 215-1550. The matter was mediated before Eric Green.

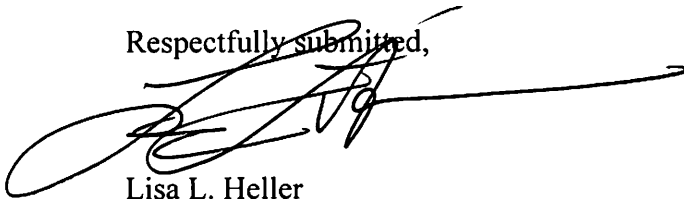
So while I do not possess specific PSC experience; I would not submit a PSC application if I did not believe that I brought qualifications to the table that would add value to the PSC. There are already a number of very fine lawyers with extensive PSC experience submitting applications. I believe I add something different.

My firm is willing to commit the necessary time and resources to this litigation. I seek to represent consumers. I have attached as Exhibit 2 a list of counsel supporting my application for a PSC position.

As a final note, though I am by no means fluent in German, I have some knowledge of the language. In fact, during one of the depositions in the Coca-Cola case, I did catch one phrase the interpreter left out of her translation of my client's response. I would certainly not be able to translate technical documents or complicated financial analyses, but I do have a working knowledge of the language.

Thank you for the opportunity to submit my application and I look forward to answering any questions the Court may have.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "Lisa L. Heller", written over the typed name.

Lisa L. Heller

LLH/db